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EP-6
March 1970

THE CHAU TRIAL I: PROLOGUE

Saigon

Tran Ngoc Chau languishes in jail for not turning in his brother, a North Vietnamese spy. Ten years, the sentence reads. And thereby hangs a tale that is at the same time high drama and a political landmark in South Vietnam.

Both drama and analysis will be presented here in a series of three newsletters. This one gives the cast of characters and the backdrop. The second will comprise a poor man's transcript made from a running translation at Chau's four-day trial in March. So far as is known, this is the only public record of the trial. The third newsletter will explore the aftermath of the trial.

There are several reasons for this lengthy treatment.

First, the Chau affair is, quite simply, a whopping good spy story and Perry Mason scenario rolled into one.

Miss Pond is an Alicia Patterson Fund award winner on leave from the Christian Science Monitor. This article may be published with credit to Miss Pond, the Christian Science Monitor, and the Alicia Patterson Fund.

Second, it forms a case study which captures all the tangled threads: a cruel civil war with brothers on opposing sides; involute Vietnamese politics; the difficulties of American attempts at grooming leaders; the hazards of American disengagement; the priorities in American policy; the complexities of social engineering; the political role of the Central Intelligence Agency; the fading chances of political settlement in the Vietnam war.

Third, the Chau affair has not received the attention it should have in the United States because the swirling events in Laos and Cambodia overshadowed it at the time.

And fourth, the US Embassy in Saigon has thrown up an irresistible challenge. Briefly, senior officials contend (even in internal reporting, it appears) that the American press has improperly and incorrectly taken a great deal on faith in the Chau case, that further investigation would show him to be a minor figure prosecuted under a "loose construction" of the Constitution, but not illegally. Unfortunate, perhaps, but not serious. This view seems a curious misreading on two counts: the importance of the case in Vietnam, and the attitude of Saigon reporters. For good or ill, correspondents have tended more to the cynical than the martyred interpretation of Chau. But so be it. With such a dare thrown up, it would be positively churlish not to accept.

We'll begin, then, with the cast of characters:

Tran Ngoc Chau, 45, Member of the Chamber of
Deputies, Republic of Vietnam
Nguyen Van Thieu, President of the Republic
of Vietnam
Nguyen Cao Thang, Presidential assistant for
liaison with the Chamber of Deputies
Tran Ngoc Hien, 48, Chau's elder brother,
a convicted North Vietnamese spy.

As the protagonist -- and as an almost classic figure -- Tran Ngoc Chau deserves the fullest description.

"Ambitious, maybe a little arrogant, very dynamic," a friend described Chau. "He talked a lot, maybe too much."

"He doesn't belong to the political system here," summarized an enemy succinctly.

"I think Chau is not a politician; he is a man of action," said a neutral.

At the end the right man in the wrong place at the wrong time, Chau was a minor political figure who always had the potential of becoming major. At the end, he did become major, though not in quite the anticipated way.

A passionate nationalist, he was a Confucian ethically, a mandarin instinctively, a proud man personally who was attracted and repelled by the Americans at the same time. He was ambitious, for himself and his country. It was said he was something of an opportunist, and probably he was, inasmuch as ambition compels action. But he possessed neither the motivation nor the sense of timing of the real operator. He was principled to a degree that hurt him politically. He could be headstrong and a little foolhardy, his friends said in despair.

The third son of the chief judge of Central Vietnam (and grandson of a Minister of Defense), Chau inherited the fierce mandarin pride and ethic of leadership. Early in World War II, at the age of 16, he left his comfortable life in Hue to join his two older brothers in the Viet Minh resistance to the French. By 1949, however, he had quit the Viet Minh in distress at the Communist takeover of the resistance and Communist murder of competing nationalists. He did so only after a series of ideological arguments with his brother Hien.

Under President Ngo Dinh Diem, whose family had long known Chau's family in the elite circles of Hue, Chau's military career progressed well enough. He did not distinguish himself as a military commander, however, and it was only when he was appointed province chief of Kien Hoa in the Mekong delta in 1962 that he began to make a real name for himself. Kien Hoa had been a Viet Minh hotbed from the beginning and continued as a Viet Cong stronghold in the later period. When Lt. Col. Chau took over, only 80,000 out of a population of 530,000 could be said to be under government control. Within a year -- and a year, moreover, in which the general situation was deteriorating elsewhere -- Chau raised this number to 220,000.

No military victories were responsible for this. Nor did Chau develop anything new in the way of political organization. Rather, he buttressed the existing leadership and organization -- and he provided channels for the population to improve its lot. He made a particular effort to galvanize the leadership of the religious groups -- Buddhist, Hoa Hao, Cao Dai, and Catholic primarily -- as the only really strong social structures outside the National Liberation Front and the South Vietnamese army.

In appeals to the people Chau initiated an open-door session two days a week, in which any citizen in the province could bring complaints directly to him in private. In response to these complaints he would order special compensatory action where called for; and every Sunday he would go on the radio station which he had newly set up to discuss general issues which had surfaced through these chats. Frequently he would say such-and-such a problem was something he could not deal with alone and would suggest group action by citizens to resist corrupt officials, for example, or would specify the kind of evidence he needed to take disciplinary action against such officials.

Southerners typically find Central Vietnamese aloof and arrogant and resent their assumption of a right to leadership. Chau did display these characteristics to a degree, and he would never win over some Southerners because of this. But he did gain the profound respect of those who worked under him and of the province's population at large. In an attempt to minimize differences he consciously adopted a Southern accent and word usage in Kien Hoa.

One other aspect of Chau's regime in the province should be mentioned -- his rather unique honesty. The most striking testimony on this score is offered by the absence of any corruption charges in the final heated campaign against Chau. In a country where every man has his dossier, and a province chief is considered clean if only he is moderate in his extortions, silence is eloquent evidence indeed.

At different times over the years political opponents have raised charges of wrongdoing against Chau, but none has been made to stick. The major one was confirmed as a technical diversion of funds, but it turned out to be a diversion which was made to circumvent red tape in paying out-of-province widows for coffins for husbands slain in battle in Kien Hoa. Chau has maintained a constant concern for soldiers' dependents and has supported two orphanages for soldiers' children out of his own pocket.

After a year in Kien Hoa Chau was moved by President Diem up to Danang, South Vietnam's second city, to become mayor there. The Buddhist crisis that would eventually topple the Catholic Diem was deepening at that time, and the president wanted a Buddhist trusted by the Buddhists in charge in Danang. Chau was known for his advocacy of government reconciliation with the Buddhists. Moreover, in his youth in Hue he had been a schoolmate of Thich Tri Quang, by now the leader of the militant Buddhists, and he had kept up his contacts with the pagodas. His father had retired at 60 to become a bonze, and Chau intended to follow in his footsteps.

Chau, who did not join the coup, remained in Danang for two months after Diem was overthrown. In January of 1964, however, he was moved back to Kien Hoa, thus becoming the sole province chief to run the same province both before and after the coup. In his absence and in the general turmoil surrounding the overthrow of Diem, the situation in Kien Hoa had drastically deteriorated, with government control slipping down to 100,000.

In his second term Chau stayed in Kien Hoa for two years. In that time he again raised government control figures to over 300,000 -- again in stark contrast to the general chaos in the rest of the country, where the government was losing one district and one battalion a week. It was at this time that Chau formulated his objections to over-Americanization of the war. Give me a budget equivalent to the cost of one of your helicopters that are shot down in my province all the time, he would say to American friends, and I will produce a pacified province. The standard of living of each family could be raised, and officials could be paid enough that they wouldn't have to steal.

It was at this time also that Chau experimented with and developed a prototype of what would become the Revolutionary Development pacification cadres, the paramilitary defense, intelligence, and development workers in villages and hamlets. With the encouragement of the group around Gen. Edward Lansdale (the one who had "discovered" Ramon Magsaysay in the Philippines and was trying to repeat the feat in Vietnam), Chau gathered his ideas on pacification into a book, "From War to Peace, Renaissance of the Village." American enthusiasts of Chau's work assert that there is no pacification program¹ in Vietnam today that was not pioneered by Chau in Kien Hoa.

At the end of 1965 Chau was selected, with the endorsement of both Vietnamese and American officials, to direct the young Revolutionary Development training program, which was financed and sponsored by the CIA. Provincial regret at his departure -- a rare phenomenon for any outgoing province chief -- was expressed in a petition signed by leaders of all the major religions there asking Prime Minister Nguyen Cao Ky not to let Chau leave Kien Hoa.

1. The other pioneer in these methods was the present director of the RD training center, Lt. Col. Nguyen Be, a political maverick himself, one whose military promotion has long been blocked because he too was in the Viet Minh resistance.

At the RD training center at Vung Tau Chau soon found himself in the middle of a new storm. Unbeknownst to the previous director, who had not slept at the center, one political party had secretly been using the RD program to organize its own partisan cadres, complete with three-man cells and clandestine midnight training. As Chau found out more about this party, a Southern branch of the Dai Viet (one of the original nationalist parties in Vietnam), he faced a dilemma. He heartily approved of the third-force aims of the party, which in its intense nationalism was anti-foreign, anti-American, anti-corruption, and anti-Ky. Chau despised Ky, the flamboyant Air Force vice marshal who had taken over as Prime Minister in 1965 -- and whose temperament was so different from Chau's own.

Chau had been hired by the Saigon government, however, and felt he could not condone such blatantly anti-government activity. Either he would have to say nothing and resign, or else he would have to blow the thing wide open. After much soul-searching, he finally chose the latter course, stirring up as he did so bitter enmity toward himself among many of the Vietnamese operatives of the CIA.

On the American side, the backing or ignorance of the CIA in the clandestine Dai Viet activity was never clear. Either way, such activity was certainly contrary to the declared US policy at that time of supporting Prime Minister Ky, and the issue came before the US Ambassador for resolution. He decided the US could not tolerate the under-cover activity at the RD training center, whether in defiance of or egged on by CIA officials.

Chau's relations with Americans were a mixed bag in this period, as the Dai Viet affair illustrated. He had several close American friends and colleagues whom he admired greatly, but he was deeply shamed -- as he would cry out at his trial -- by his country's impotence and dependence on the Americans. In addition, he could not help but be personally rankled by some of the CIA types whom he had to work with at the RD center. One of the most offensive of these never bothered to disguise his contempt for Vietnamese. He would habitually sit back with his feet up on his desk, chomping a cigar, and from this position growl "Hey Chau, c'm'ere!" to summon the RD director to come into his presence. And the empire building that clandestine activity lends itself to led a few months after Chau's arrival to an armed revolt by Vietnamese operatives of the CIA, who took over two of the three camps in Vung Tau and sent an assassination squad after Chau.

By now Chau's perceptions and the CIA's perceptions of the effectiveness of some of the CIA programs were diametrically opposed. His disenchantment was so total that he predicted the total failure of Revolutionary Development unless the CIA turned the program over to the US Agency for International Development immediately. Chau's conflict with the CIA became so acute that he resigned as director of RD training and was given an obscure job at the RD ministry.

His dissatisfaction with the way the South Vietnamese government was operating at this time also made Chau want to go further and resign from the army altogether to run for the new Constituent Assembly. But he was not permitted to do so by his superiors.

Under the new Constitution military officers were permitted to run for the legislature, however, so in 1967 Chau, still retaining his commission, did run for Deputy to the Lower House from Kien Hoa. He was considered a government candidate, but he mounted an active personal campaign anyway, whistlestopping remote villages on a motorcycle. In consequence, he won 41.2% of the votes, even out of a field of 19. His resounding victory -- his runner-up received only 12.6% -- made Chau the second or third highest vote getter in the Assembly.

Once in Saigon, Chau was elected Secretary-General of the Assembly and a member of the select Special Court that is empowered to impeach the President and Vice President. This prominence came less because of any politicking within Assembly blocs, than because Chau now enjoyed good relations with the government. Partly as a result of American preference and partly as a result of maneuvering among the generals, Air Vice Marshal Nguyen Cao Ky had by now been supplanted by General Nguyen Van Thieu as top man in Saigon. Thieu and Chau had shared quarters in their days as junior officers in Dalat, and it was said that Chau had once saved Mrs. Thieu's life. Chau joined a pro-government bloc of Cao Dai followers and military officers in the House.

It appears that the drifting apart of Thieu and Chau began sometime during 1968. The 1968 Tet offensive and its aftermath had spurred Chau's thinking about a political settlement to the war -- and so had his contacts on a voyage to Japan, the United States, and Europe that year. Specifically, Chau was one of the first to recognize that the Tet offensive would prove to be the last straw for the US and that Washington would henceforth try to disengage from Vietnam as quickly as possible. He believed that the US would now be interested

Chau only in containing the military and political situation long enough to withdraw without the appearance of defeat. But he was convinced that the kind of short-term political stability this implied -- one based on right-wing militants -- would doom South Vietnam to Communist takeover in the long run. Chau therefore began to argue that Thieu should reach out for the support of other non-Communist nationalists, perhaps by appointing a "council of notables" drawn from the whole non-Communist spectrum.

To Thieu it must have appeared that Chau, who was known to be very friendly with the Americans, was speaking for the Americans, who were also prodding the Vietnamese President to broaden his political base. In reality, however, Chau was moving farther away from the mainstream of US policy. The Americans were looking for a superficial political broadening in Saigon that would assuage a restive public opinion in the US. Because their basic goal was indeed the short-term stability that Chau feared, however, they could easily be maneuvered by Thieu into upholding the Vietnamese President no matter what he did politically.

Chau's compulsion to a political broadening, on the contrary, was aimed at a fundamental long-term sharing of political power.

For his part, Thieu was not prepared to risk losing his core of right-wing support in some chancey appeal to an unknown middle ground, whether at Americans' or Chau's or anyone else's urging.

The divergence between Thieu and Chau thus widened, though it was little noted at the time. Chau, after all, was still only a minor figure in Saigon politics, and he was just beginning to feel his way in new political directions.

At no point did Chau attempt to build a political organization of his own. The administrative apparatus he built in Kien Hoa was exactly that, one which did not follow him as he moved, but more or less accrued to any successor province chief. After he became Deputy, Chau set up local offices in Kien Hoa (effectively consuming his entire House salary in doing so), and he kept in personal touch by frequent trips to province and district. Individual district chiefs continued to admire Chau greatly also. But all this was no cadre organization.

Nor did Chau play the game of military politics. With his Viet Minh background he was hardly in a position to deal with generals who had been on the French side and mistrusted anyone who had been in the resistance. And Chau was disinclined to do so anyway, simply as a matter of personal taste.

To forward his policies, Chau seemed to be banking more on a Confucian approach of popular persuasion by virtue of good leadership once he was established in a position of power. This was the way he had operated with such success in Kien Hoa. And here Confucian mores blended with a certain Americanization in expecting a harmony of policy and politics. Chau floated ideas and lobbied for them in public books and articles. He disobeyed the canon that success in politics in Vietnam depends on making oneself slightly distinct, but not too much so, from those in control.

Furthermore, Chau probably did not consider himself in opposition to Thieu at the beginning and thus having to build an opposition following. The situation was in flux. His views were changing, while Thieu's were not, but he was on balance still pro-government and pro certain American elements. (Probably too Chau was consciously playing for the high if elusive stakes of American support.)

As Chau's ideas evolved and crystallized, however, he moved closer and closer to a loose grouping of young Southern Deputies, progressive Catholics, and Buddhists. His original pro-Thieu bloc had broken up by now, and Chau did not formally join any new bloc. But he spoke with ever more consonance with this opposition group.



Left: Deputy Tran Ngoc Chau in the National Assembly waiting for his arrest.

Right: Chau (right) listens to Senator Nguyen Phuoc Dai (left), who will defend him at his trial, and Deputy Kieu Mong Thu (center).



The associations may have served to establish Chau's anti-American and generally dissenting credentials, but they did not always help his personal reputation. Some of his new allies were honest and hard-working. Others were unscrupulous and corrupt.

Beyond those Chau deliberately chose to associate himself with, there were others who apparently tried to get to Chau for their own purposes through Deputy Kieu Hong Thu. It was also in the eventful year of 1968 that Chau and Mrs. Thu became close. Chau maintained that their friendship was professional rather than emotional. His friends, however, feared that Chau, who had heretofore avoided getting emotionally involved, really went off the deep end this time. In their view the relationship, besides threatening to break up his own family, impaired Chau's political judgment somewhat and led him, possibly under the stimulus of third persons, to air some immoderate statements in the latter period.

For her part Mrs. Thu appeared to be very much in love with Chau and was unswerving in his defense, sometimes, as when she pulled a pistol in the December House debate, to the point of embarrassment. She was fiery in the tradition of Vietnamese women, and women's gossip in Saigon had it that she could put a spell on any man that would attract him irresistibly. She was from the Mekong Delta, but was elected in Hue, as she was a consistent champion of the Buddhists and was more or less nominated in Hue by the An Quang pagoda.

Toward the end of 1968 and the beginning of 1969 Chau spoke out more and more on issues of pacification, political settlement, and de-Americanization of the war. He advocated a more flexible policy of accommodation, not with Communists, but with nationalist groups (like the Buddhists) that were being shut out of Saigon political life.

He continued to oppose -- strongly -- national or even provincial coalitions with the Communists, for, among other things, he simply did not think the Communists should be handed a position at the national level that they could never attain in votes. Better to accommodate them at the local level, he thought, than to let them into the central government.

His ideas of accommodation thus were conceived in terms of granting the NLF the positions of hamlet or village chiefs in those localities where the Front was already dominant. It would be safe to let such a pattern develop, he thought, because the NLF really would not be able to muster enough votes to elect province chiefs or even many Deputies to the National Assembly.

Some confusion did arise over Chau's position on coalition that would later affect the US Embassy's attitude toward Chau. He frequently used the term "coalition of non-Communist elements" to describe his central concept of bringing religious groups and ethnic minorities into the country's political life as real participants. And he sometimes spoke of this in shorthand simply as "coalition." Furthermore, he held that the NLF was separable from the Communists (which may have been true in the earlier stages of the insurgency but appeared naive for 1969). If not the NLF as a whole, then at least its supporters and cadres could be lured away from the Front and into the government system.

This position led some Americans to infer -- whether indiscriminately or by conscious distinction -- that Chau might not oppose a coalition with the NLF as strongly as he opposed one with the Communists per se. This might or might not have proved true in the future evolution of Chau's thinking. A conscientious investigation by this reporter, however, based on Chau's recorded statements and on interviews with Vietnamese and Americans going back to 1967 has not turned up any evidence that it was ever true up to the time of Chau's trial. One press conference given by Chau in January of 1969, for example, which is sometimes cited as favoring coalition, proves on closer reading to be dealing with Chau's net non-Communist coalition.

All this detail on Chau's views on coalition is unnecessary for an understanding of the internal development of the Chau case; there was no Vietnamese accusation that Chau supported coalition. But it is essential to an understanding of the role of the US Embassy, for the Embassy view that Chau was pro-coalition was in part responsible for the Embassy's relative indifference to him.

On negotiations, Chau began in the late 1968-early 1969 period to demand talks between the three Vietnamese sides (Saigon, Hanoi, and the NLF) without the Americans. As an aid to starting this, he proposed a meeting between parliamentary delegations of North and South Vietnam. This was the period when the new Nixon Administration was searching out its own Vietnam policy, when Thieu was grudgingly responding to American nudges with peace proposals of his own, and when there was still a modest hope for the Paris talks. Not unnaturally, many Vietnamese thought Chau's overtures were trial balloons for Thieu and/or the Americans.

It would take less than a year to prove just how false this view was.



Left: Chau's primary lawyer, Vu Van Huyen, descends the front steps of the National Assembly after the arrest of Chau. Policemen hold back spectators who had been expecting the Deputy to be brought out the front door.



Right: Policemen stand at the back gate to the National Assembly, from which Chau has just been carried off in a jeep. Overturned chair and tables and scattered papers mark the two windows of the office in which Chau was seized.

The second character needs only the briefest of introductions, as he is so well known -- President Nguyen Van Thieu. A maneuverer, a meticulous planner with a flair for timing, above all else a cautious man, Thieu had risen to the top in four years of small moves. He was renowned for avoiding confrontation, to a degree that occasionally exasperated the program-minded Americans. He had held the country together (with Vice President Nguyen Cao Ky's help) after the 1968 Tet offensive, and he had presided over a noteworthy expansion of government control in the countryside since then. He was in the process of instituting a sweeping land reform. He was becoming widely known in the country through his travels (no mean accomplishment in a highly localized society). He seemed to be banking -- successfully -- on the increasing security and pacification to build passive support for the status quo in the countryside.

Thieu's action against Chau was a surprise in the methods used, but not in substance. From Thieu's point of view there were good and sufficient reasons for attacking Chau.

Looming behind everything was American withdrawal. It was the central political fact, and it was only a question of time before it would alter the basic context of Vietnamese politics. That it had not done so before the end of 1969 indicated only the inertia of history.

Americans, whenever their attention was drawn away from the military side of things long enough to think about it, hoped that their disengagement would instill a sense of crisis in Vietnamese nationalists and convince them that they had to pull together against the Communists in order to survive. Thus Thieu might be prodded by events into expanding his political base leftward. Until about September of last year Thieu did leave this option open -- whether deliberately or just because his natural style was a network of intricate maneuvers that never committed him definitively to any one person or any one course. *Choppazindat*

As the real political crunch approached, however, and troop withdrawals mounted, Thieu pulled in fortress-like to the right-wingers, the Northern Catholics, and the army, rather than reaching out to less hardline elements. Clearly, he feared that American disengagement would erode his own position, which after all was based squarely on American support.

Previously, Thieu had contained the more left-leaning figures by ignoring them and leaving them to their own divisiveness. Now, however, he began to take the threat of a left-wing opposition seriously. General Duong Van Minh and General Tran Van Don, the heroes of the 1963 coup, personified this threat, and they were getting more active. They had already called for a popular referendum in November 1969 and had generally begun to pose themselves as an alternative to Thieu.

Their timing had been the result of a misjudgment of American politics, and they quieted down after President Nixon made his November 3 speech that in effect backed Thieu to the hilt. But the damage had been done. Minh and Don had little enough organization behind them, but they were talking vaguely of a "third force," accommodation, "reconciliation," and other phrases that smacked of coalition to Thieu, and certainly implied a deposing of Thieu himself. If unchecked, the two generals could easily become the focal point for vast public war weariness and dissatisfaction with rising prices.

Thieu therefore wished to nip a Minh-Don movement in the bud. It would have been awkward for him to attack these two directly, however. The easygoing Minh was popular in the South. Both were important figures, and heroes still. Most important, both had a considerable potential following in the army. Thieu felt vulnerable here. His management of the army was no iron grip, but a delicate matter of balance and constant pre-emptive moves.

Nor had Thieu ever built any other organization loyal to himself. He had toyed with a neo-Can Lao and a military party, with a government cadre organization and possible a Tan Dai Viet party within government ranks, and with army reorganization. But none of these ever got off the ground, largely because Thieu would never entrust any subordinate with sufficient power.

Without a solid domestic base, then, the one way Thieu saw to prolong his tenure was to break up opposition groups zealously as soon as they became significant. And this occurred with increasing frequency and stridency toward the end of 1969 and the beginning of 1970. Thus, the Saigon government removed the minority status of ethnic Cambodians and reneged on a promise to appoint a person the Cambodians wanted to a high government post. When Cambodian monks demonstrated in protest, they were treated roughly by the police. All this was unnecessary;

the differences could have been easily resolved by some conciliatory act by the government. Students were arrested and indiscriminately charged with being Communists. One popular singer was sentenced five years (in 1969) for composing anti-war songs (in 1967). The Buddhist newspaper was closed, as were the two major Southern regionalist papers and numbers of less important journals. Two officials of the New People's Movement were put under what amounted to house arrest, and while there may have been real spying for the Communists involved here, the case looked suspiciously political. The Coconut Monk, a quixotic bonze who customarily sits on a mock-up of the bridge spanning North and South Vietnam as he prays for peace, suffered a raid on his river island, which had hitherto been a haven for draftdodgers. Some parties reported harassment in registering under the new political parties law. One Viet Cong "rallier" was briefed to say that the Communists were supporting Don and Minh. In addition, there was the chronic stifling of any independent lower level leadership. Students who rallied to reconstruction projects in the wake of the Tet offensive of 1968 were rebuffed. The leaders of the highly successful community projects in districts 6, 7, and 8 in Saigon were prevented from carrying their work to Ben Tre in the delta.

As for the Americans, Thieu was suspicious of them too. Despite all the embassy protestations of support, despite Ambassador Ellsworth Bunker's unblemished record on this score, despite the November 3 avowal of support by Nixon, Thieu feared that the US could still decide to abandon him as irrevocably as it had abandoned Diem. As outrageous as it sounded to Americans, Ky's director of police had accused the US of collusion with the Communists in mounting the Tet offensive of 1968. Thieu's aide Nguyen Cao Thang would revive this charge just prior to the Chau trial. At the end of 1969 Thieu placed some Vietnamese agents of the CIA under surveillance and tightened the rules for Vietnamese journalists working for American reporters. The message was obvious: Vietnamese were not to work too closely or independently with Americans.

A third factor entered in also -- the opinion of high-level army officers. In a general sense it was necessary to maintain drive and discipline in the army in a period when things might go lax with the uncertainties of American withdrawal. In civilian life some of the hardliners already descried a trend in urban circles to hedge and take "guarantees" from the NLF.

More explicitly, some of the hardliners were critical of Thieu for having harbored a Communist spy ring reaching high into the Presidential palace. The CIA had produced the information on this spy ring and had forced the hand of an embarrassed Thieu in summer of 1969.

If it had just been a question of Chau himself, Thieu would probably have handled the affair less abrasively than he did. But Thieu was feeling pressed by all these other considerations. And Chau must have appeared an inviting target just when Thieu needed one. Chau could symbolize Thieu's new toughness and issue the appropriate warning to third-force opposition, to anyone trying to make deals with the Communists, and to the Americans (or to Vietnamese tempted to work with the Americans), and at the same time restore Thieu's image with right-wingers. And this could be done, it appeared, without stirring up an unmanageable backlash. Chau did not have any bloc of supporters that would be roused like the Buddhists in 1963 or 1966, or even the Southerners in 1966. He had long since left behind Central Vietnam with its self-centered politics. He was a tactical ally, but no champion of the Southerners. Few individual interests would be touched, and in the fragmented society that is South Vietnam, generalized or communal self-interest is little perceived.

Thus, Chau could be made an example of, at great gain and little cost to Thieu.

A funny thing happened on the way to the tribunal, however. Personal conflicts embittered the encounter past all restraint. Thieu became obsessed with punishing Chau. And there was a backlash after all.

For an understanding of how this happened, one must turn next to the powerful person of Nguyen Cao Thang.

Thang, the third character, had never before played so visible a role. His official position was liaison man between the President and the Lower House, but in practice he had gradually become Thieu's most important -- and at times virtually his only -- political adviser.

A rich pharmaceutical dealer, he had been handling important political and probably also personal funds for Thieu. He laid no claim to being a politician or an ideologue. He was a highly successful businessman, with all that implies in South Vietnam. He dealt with anyone it was worthwhile to deal with, and his prime goal in working at the Presidency, according to colleagues, was to safeguard his fortune. He was proud of being his own man and no one else's, not even the President's.

Thang did not possess the tactical political skill of Thieu and, according to all accounts from Deputies, depended more on straight buying of votes in the Lower House. This, naturally enough, brought him into conflict with Secretary-General Chau. The conflict emerged into public view when Chau distributed a circular protesting Thang's activities in the Assembly in October. Some observers laid the final confrontation between Thieu and Chau to this circular, in fact. Others speculated that Chau may have had information he threatened to reveal on selling of medicines to the Communists by Thang's company or on private soundings made by Thang on behalf of Thieu with Communist Vietnamese in Paris.

Whatever the cause, personal antagonisms between the two men did make Thang push the prosecution of Chau in the early stages past the point of strong political resistance. In the latter stages even Thang himself apparently tried to calm Thieu down by telling him that his horoscope was bad for the current period and that he should not speak out too much. But by then Thang's campaign against Chau had already gone beyond rational political tactics to become a matter of personal prestige for Thieu. For the President it became a crusade against Chau.

The fourth character, Tran Ngoc Hien, is probably best portrayed in his own testimony, which appears in the trial scene. For purposes of introduction, it is enough to say that he gave every evidence of being the quintessential Communist agent, to whom his brother was always a "target," never a brother. Chau, who felt closest to this brother of anyone in his family, would never see it this way. To him Hien was a patriot first, a Communist only second.

Friends of Chau suspect that Hien was probably smarter than his brother and that in ideological debates he would get the better of Chau. On an intelligence level, the inferences each brother drew from the other probably evened out. Hien astutely perceived political shifts in Chau and Chau's associates at various key points. Chau strengthened his very sound conviction that the pacified areas must be truly secured and security forces not be spread too thin. It cannot be said that Chau gleaned any advance knowledge of the Communist general offensive of 1968, but the wisdom of Chau's approach was borne out with a vengeance at that time. In the opinion of some military analysts it was only because the commanding general of III Corps, Frederick C. Weyand, vigorously opposed and managed to delay General William C. Westmoreland's shift to a border strategy that Americans were able to defend Saigon and the Saigon and Bien Hoa airbases in the 1968 offensive.

Hien was listed as a North Vietnamese captain at the time of his capture, though he probably held a higher rank than that. As early as 1949 he had already held a colonel's position as political officer for all of the Viet Minh Military Region 5. On his return to the South in 1964 he was head of a strategic intelligence cell reporting directly to Hanoi, not to the NLF. (Strategic intelligence means roughly political evaluation. It is concerned with long-range trends, opinions, and motivation rather than tactical military intelligence or specific plans.) His primary task was to take soundings of the thinking of various political leaders and intellectuals. He first met Chau in Kien Hoa in 1965, after a separation of 16 years.

Hien was captured in April 1969. There were different versions of the circumstances of his arrest. Officially, a routine road check showed up his faulty identity card, and things went on from there. Chau, on the contrary, was persuaded that the CIA, which knew of his conversations with Hien from the beginning, had tipped off Vietnamese security in advance of the road check.

Hien's arrest was sensational, for it touched off the arrest and trial of two dozen South Vietnamese citizens, some of them quite prominent, who had been meeting with Hien and discussing issues over the years. Among them were Nguyen Lau, publisher of the English-language Saigon Daily News (later closed by the government); Vo Dinh Cuong, a cousin of Hien's and head of the Buddhist Layman's Association (aligned with the An Quang pagoda); and a few military officers and policemen who would either be acquitted or not brought to trial at all.

At first Chau denied knowing about Hien. Then he retracted and publicly admitted meeting with his brother and knowing of his activities. Chau made this acknowledgment at the time of Hien's trial in July in an attempt to steal the thunder of anyone who might want to use Hien's testimony against Chau. (Chau had been privately informed prior to the trial of what his brother had said in interrogation.)

The nature of Chau's contact with Hien in their eight meetings between 1965 and 1969 is best described in their respective statements for Chau's trial. It consisted primarily of mutual exploration of views and of arguments in which each tried unsuccessfully to convince the other of the error of his way. Chau tried to get Hien to defect and go to the US to study. Hien constantly worked on Chau's frustrations to try to win him over to the Communist side. And in hopes of converting him in the future, Hien always pushed Chau to seek higher position on the government side. (Characteristically, he also pushed Chau to stay in the army, where the power was, rather than enter the Lower House.)

Chau had visions of becoming an intermediary in peace negotiations, and on his own initiative he broached to Hien his proposal for a meeting of parliamentary delegations from North and South Vietnam. Hien was dubious, however, and there is no indication that the two brothers' contacts ever moved beyond useful but minor exchanges to become a major line of communication in a peace settlement. Some observers attribute Chau's contention that he was conducting a significant peace probe through Hien to an exaggerated and somewhat naive self-importance on the part of Chau. Others attribute it to a patriotic willingness to risk taking the initiative even in unfavorable circumstances, even when most prudent Vietnamese were sitting back and waiting for fate or the Americans to move.

The CIA knew of the contacts between the two brothers, according to a Joseph Kraft column from Washington, but it is doubtful whether Chau gave the CIA all the information it wanted about these contacts. In any case, according to that account, Chau refused to serve as an agent for the CIA. Another version (based on an interview with Chau made by Keyes Beech of the Chicago Daily News when Chau was in hiding in Saigon) says the CIA tried to recruit Hien as a double agent but that Chau refused to be middleman in such an undertaking.

From Congressional and State Department leaks in Washington in late March¹ it appears that there was one proposal of a direct meeting between Hien and the Americans in 1966. Chau says it was initiated by Hien; Hien says it was initiated by Chau. Ambassador Henry Cabot Lodge was interested, but after considering meeting with Hien himself, Lodge opted instead for a lower-level American contact. It may be assumed that the CIA would have been happy to have an additional source of information, but it appears that the probe never reached the stage of an explicit CIA approach to Hien. Chau himself clearly mistrusted the CIA insofar as his brother was concerned and feared the agency would set a trap for him and kill him. In the upshot, Hien refused to meet with any American below the Ambassador, and no direct meeting was held.

The critical question of whom among Vietnamese authorities Chau did or did not notify of his meetings is more difficult to pin down. In the three last heated months before the trial Chau did say that there were high-ranking Vietnamese in the government who knew of his meetings. He held off naming them, however, as a last trump, which he has not yet played, apparently because he esteems them and does not want to destroy them politically by naming them. This much rings true.

Chau did say in his interview with Beech that he had told Thieu about his contacts sometime before Thieu became President. But he did not repeat this publicly, and his statements at the trial implied that he had informed the Americans but not the Vietnamese. It seems probable that if Chau had informed Thieu explicitly about his meetings, he would have made a strong point of it in his public defense.

Chau's decision not to tell Vietnamese authorities anything formally was natural enough, given the inept and ephemeral nature of the post-coup governments. A certain economy of information is advisable when someone new may be in power in a few months and anyone with access to the files could turn information against one. (In this period and later many Vietnamese had contacts with "the other side" and didn't report them. This state was considered normal.) Chau had no incentive either to inform the Ky government, which he disliked. And after Thieu came to power Chau probably thought that the private understandings, whatever they were, would cover him.

Without formal permission for the contacts, however, Chau was legally guilty in knowing of Hien's spy mission but not turning in his brother for arrest.

¹ Flora Lewis in the Los Angeles Times, March 25, 1970; James Doyle in the Washington Star, March 26, 1970; Ted Szulc in the New York Times, March 27 and 28, 1970.

Thieu did not go after Chau immediately following Hien's trial, though the government did refuse to give Chau permission to leave the country for a planned visit to the US. In what may have been a reconciliation gesture, in fact, Thieu at one point invited Chau to dinner. To Chau, however, this would have meant meeting Thieu as an inferior, with his name still under a cloud; and it would have meant also muting his criticism of Thieu's policies. He did not accept the invitation.

The Chau case lay dormant for several months. Then in October Chau distributed his circular accusing Nguyen Cao Thang of buying votes. Thang reciprocated by charging Chau with working for the CIA. At the beginning of November Generals Minh and Don began testing the political waters. On November 19 Thieu reactivated the case in a letter to the Lower House asking for dismissal of Chau from the National Assembly, or barring that, removal of Chau's parliamentary immunity so that he could be prosecuted.

Thieu charged first that Chau had known of Hien's spying activities without reporting them to Vietnamese authorities. He added the potentially more serious accusation that Chau had "colluded with" Hien and had given him money, transportation, and papers. It was not clear in the President's letter whether these would be pushed up to actual charges of treason, but it was so interpreted at the time by those treating with the letter.

A week later Thieu accused two other Deputies, Huynh Van Tu (alias Hoang Ho) and Pham The Truc, of treasonous acts and helping Communist agents. The President asked for the same Assembly action in their cases. Tu was said to have transmitted information to an important Communist spy who had been sentenced the previous fall. Truc, a 29-year-old firebrand who had stayed out of South Vietnam for about a year by now, was best known for having led an anti-war demonstration in front of the South Vietnamese Embassy in Japan and charging the Saigon regime with dictatorship and militarism.

The Assembly dawdled on the requests, so on December 9 Thieu prodded it in a shrill speech at the Vung Tau training center, a favorite locale for the President's occasional anti-Saigon and anti-intellectual blasts. He called

coalition advocates, third-force advocates, and neutralists "cowards" and compared them to "barking dogs." If these dogs begin to bite, Thieu concluded, then "our duty is to beat such dogs to death." If the Lower House did not take action against the three Deputies, then "the people and the army [would] cut off the heads" of these people themselves. This was presumably a metaphorical rather than a literal threat, but no one could be sure.

Within two weeks, on December 20, a mob of possibly 700 or 800 broke into a session of the National Assembly, demanding that the House "purge" its ranks of Communist elements. Picking up Thieu's metaphor, they waved banners reading, "Let's kill Trần Ngoc Chau and Huynh Van Tu" and "Let's take them out into the street and beat them to death like dogs." The objects of their attention not being present, the rioters contented themselves with smashing windows, overturning Deputies' benches, and occupying the chamber for 40 minutes.

The demonstration was led by the chairman of the Saigon City Council. The police did not interfere, and there were no arrests. Demonstrators were not shy about telling journalists that they bore the two Deputies no personal rancor and were merely mercenary rioters. A Senate investigating committee later blamed Thieu for "inciting" the people with his Vung Tau speech. It said further that attendance at the rally that preceded the demonstration had been made compulsory for members of Saigon's People's Self-Defense Forces (civilian militia-men).

A day later, in a demonstration in nearby Bien Hoa, the three Deputies were burned in effigy. The Bien Hoa participants were the doughty Northern Catholics of Ho Nai district, long a routine source of government-sponsored anti-Communist, anti-peace demonstrations in years past, but ones who had fallen into some neglect in the dearth of demonstrations since the new Constitution of 1967.

The National Assembly got the message. The day after that it announced it was pressing for a trial of the three accused. Christmas week the South Vietnamese military radio censured the three hourly. Some 20 demonstrations against them were held throughout the country (though the one scheduled for Chau's old province of Kien Hoa was canceled without explanation).

The nine-man special committee set up by the House to look into the case of the three Deputies conducted a quick inquiry, under the close scrutiny of the Presidential palace. By the end of December it returned a report -- signed by only four of the members, as the others had absented themselves from the final committee session -- confirming Thieu's charges.

On December 30 and 31 a stormy plenary session was held on the case with a number of palace representatives sitting conspicuously in the gallery. The intention of floor managers appeared to be to try for the three-fourths majority (102) required to lift parliamentary immunity. This proved impossible, however, so they settled for a simple majority declaring in effect that the three were guilty, but not authorizing any action. (The vote was 70 out of 114 in the case of Chau; 69, Truc; 68, Tu.)

It was at this point that Nguyen Cao Thang chose what became a most controversial method of getting the three-fourths majority. An undated petition was circulated for private signature by Deputies, asking for the prosecution of the three accused. There was no plenary debate. Deputies were approached singly in their homes or elsewhere.

The opportunities for pressure in such a method are obvious, and they were apparently not neglected. Thang reportedly boasted later to friends that he spent ten million piasters (about \$80,000) on getting signatures. Money was supplemented, according to numerous Deputy accounts, by blackmail, intimidation (waiting in the Deputy's house as long as necessary if an immediate signature was not forthcoming), and occasional threats (as of non-reelection and immediate drafting into the army).

In the middle of the signature-gathering Thieu gave a tough-talking press conference, his first in five months. In foreign affairs he summarized what equipment and funds he wanted from the Americans as they withdrew. In domestic affairs he told Vietnamese politicians who favored a coalition or a "middle road" that they were helping the Communists. "National salvation" was what mattered, and it was clear that "national salvation" precluded dissent. On January 13 Thieu made a return visit to Vung Tau where he called neutralists and advocates of coalition "political speculators," "political witches," and "traitors." On January 26 the President gave a speech to the Vietnamese Editors Association that

amounted to a philosophical rationale for a hard line. "Survival" must come before all else, he said, and in wartime this means limits on individual rights.

Still there was difficulty with the petition. It took the entire month of January to collect the minimum of signatures, which were duly announced on February 2 and at once dispatched to Thieu in photostat, with an accompanying letter.

An incredible amount of confusion surrounds the petition. Several Deputies immediately charged forgery or false representation in the gathering of signatures. Of these, one Deputy was suddenly recognized as a mistake by Lower House officials and removed from the list, but he was simultaneously replaced by another Deputy, whom the officials said they had previously overlooked. Yet another Deputy requested that his name be withdrawn but then changed his mind again and asked to be reinstated, which was done. Four or possibly five others sent formal letters to the Secretariat of the House asking that their names be withdrawn. One was acknowledged and officially removed, but the letters of the others were not forwarded by the House Secretariat to President Thieu. As there were 103 claimed originally, all this evened out to leave the petition intact, with the minimum of 102, in the official account.

It is impossible to untangle the confusion, as Lower House officials have classified the relevant documents confidential. No outside person -- not even Chau's lawyers -- has been permitted to see the original of the petition. A photostat of the alleged signatures is available at the Lower House for a brief reading by journalists. It says, in toto, "Resolution applying the carrying out of paragraph 2 of article 37 of the Constitution allowing prosecution, concerning Deputies Pham The Truc, Tran Ngoc Chau, and Huynh Van Tu." This title has been typed at the top of a mimeographed or typed alphabetical list of half of the National Assembly names, which are followed either by the appropriate signatures or by blanks. The separate sheet with the second half of the names has no notation whatsoever at the top.

According to Lower House officials, 102 signatures appear on these two sheets, not counting the one formally withdrawn and acknowledged. The signatures are either full names, last names, or initials -- except for one, which consists of a faint line that does not, to an outsider, resemble a signature. Four or five signatories note that

they approve prosecution of Chau and Tu, but demur on Truc. (Some of the younger Deputies, it seems, were willing to sign off on the big fish as requested, but were not so willing to sign off on their friend. This brought the signatures on Truc to below the minimum, and he would therefore not be tried.)

The normality of all the confusion was epitomized by one Vietnamese journalist who replied mildly to a frustrated American colleague, "Yes, that's the way the Vietnamese do things that the Americans don't understand."

The normality was not so evident to one-third of the House membership, which, led by some dissident young Southerners, sent a query to the Supreme Court asking for a ruling on the Constitutionality of the petition procedure in lifting parliamentary immunity.

By now Chau was in hiding, moving -- a bit melodramatically, some Western newsmen thought -- from friend's house to hotel to friend's house. His first line of defense had been to plead family ties. (With its Confucian background, Vietnam has a tradition of strong family loyalty. In addition, Vietnamese law as derived from the Napoleonic Code, does not require a man to testify against his immediate family.) It would have been different, Chau explained, if Hien had been carrying out sabotage or terrorism, but he was acting only as a political observer, so Chau couldn't denounce him. As it was, Chau added, if Hien really did come to understand the political situation, then he would know that the Communists could not win in South Vietnam and could relay to the North the necessity of political settlement. In fact, he indicated, he was trying to find a specific route to political settlement through his brother -- and it was these peace soundings, he said darkly, that had incurred the wrath of Thieu and of the Americans.

There was one other defense too that Chau began to plead in this period. And that brings us to the final non-character in the drama. Or perhaps it is best described as the deus ex machina that never materialized -- the US Embassy.

American objections to Thieu over his handling of the Chau affair were mild enough to be deemed total non-interference. Embassy officials explained to reporters at the time that what was at issue was only a "loose construction" of the Constitution and expressed surprise at the thought that there might be political unrest in Saigon. They metaphorically patted correspondents on the head and sympathized with their need to drum up some news in Saigon after the fighting in Laos had monopolized the network shows for two weeks. But journalists did tend to cry wolf, now didn't they?

There were rumors at the time that the State Department in Washington did not share the Saigon Embassy's calm view of the issues at stake. The rumors naturally enough excited the intense curiosity of lower-level American Embassy officials and high-level diplomats of friendly countries (as well as of journalists).

But it was only gradually that it became known quite how wide the gap really was between Washington and the Saigon Embassy. Toward the end of March someone in Washington leaked part of the State Department files on the Chau case to the press. The Saigon Embassy was furious at what it deemed a deliberate campaign to "get" Ambassador Ellsworth Bunker.

The story as it emerged was this. Under Secretary of State Elliott L. Richardson had cabled Bunker two separate times instructing the Ambassador to express forcefully US dismay at the way the Chau case was being handled. Bunker toned down his representations, however. Thieu did not change course.

The first cable was sent on December 23, three days after the mob assault on the National Assembly. According to the Washington Star (March 26), the cable instructed Bunker to do whatever was necessary to convince Thieu that the US wanted the Chau case dropped, as Chau was considered loyal to South Vietnam and an invaluable help to the US. Furthermore, a negative press reaction to Chau's trial could cut into domestic support for Nixon's Vietnam policy.

In response, however, Bunker informed the Saigon government of the American position in low-key fashion and only at lower levels. In effect, this downgraded American representations even more than would appear on the surface, for Bunker and Thieu have established a close working relationship over the years. Because of this -- and because of Thieu's reluctance to delegate authority on important matters -- the policy-generating machinery that one might expect to find just below the top simply does not exist. The single most important second-level contact for Americans is Thieu's private secretary, a 26-year-old cousin of the President. The secretary is very competent, but he does not by any means initiate policy or counsel the President on issues of such major political import as the handling of Chau.

When asked shortly after the final Chau trial what representation the US had made on the case, this secretary replied that Bunker was "not the man" for interfering in what was for Vietnam purely an internal affair; Bunker was a "very delicate man" on such things. This summation presumably overstated the case, but not by much.

The second Richardson cable came on February 7. According to the Star, it stated that it was now imperative that Bunker speak to Thieu directly and convey the strong dissent of the US government. He was to try to get the charges dropped; if he could not do that, then he was to press for trial in a civilian rather than a military court and for no imprisonment should Chau be judged guilty.

Bunker saw Thieu on February 10 (again according to the Star) and talked of the concern of the US press and Congress but still did not relay the deep concern of his superiors. Bunker expressed his opinion that Chau had already been destroyed politically by the charges, and that pushing further would just make a martyr out of him. In reply, Thieu indicated that the case was already before the court, and that he, Thieu, had no more control over it.

Apparently nothing in the interview changed Bunker's faith in Thieu's assurances, which he had been transmitting to Washington, that Chau would not be jailed in any case (New York Times, March 28) and that the trial was being conducted in strict legality (Los Angeles Times, March 25). Thieu's assurances may have been based on the belief that Chau would flee the country, as he reportedly had

every opportunity to do. When Chau inconveniently chose not to run away, however, Thieu went ahead with the trial and imprisonment, confident that the US would never retaliate.

Bunker was also informing Washington in this period that Chau was guilty under Vietnamese law of having advocated coalition government. The political section of the Embassy had chosen this interpretation, and Bunker accepted it.

Actually, the Americans had handed Thieu a conspicuous *carte blanche* on Chau long before the controversial period of the two Richardson cables -- and the earlier American actions were probably the more significant ones in telegraphing the Embassy's indifference. John Paul Vann, one of Chau's close friends (and currently chief American adviser to the pacification program in the Mekong Delta), had interceded on Chau's behalf with then Deputy Prime Minister (now Prime Minister) Tran Thien Khiem back at the time of Hien's trial in July 1969. Vann was reported in Washington as having testified to the Senate Foreign Relations Committee that at that meeting he informed Khiem about Chau's association with the US Government "in detail" -- i.e., about Chau's having informed the Americans about his talks with Hien. Although Vann had had the permission of his superior to do so, according to the Washington accounts, the US Mission immediately, in what seemed a reflex action, imposed a gag rule on Vann and every other American official who had been close to Chau. They were not to see Chau, nor were they to discuss the case with any outsider, especially the press. The New York Times (March 28) reported that Bunker went even further that summer of 1969 and refused to give Chau a visa for his proposed trip to the US, thus seconding the Saigon government's bar on the trip. Granting Chau a visa would have offended Thieu too much.

After Chau's trial the Embassy view still remained essentially unchanged. Bunker, who regretted the fact that Chau was being described in the US press as a "patriotic nationalist," intended, in fact, to reiterate the Embassy's hands-off position yet again. He told Washington that Chau's testimony was "false and misleading." (It was, to be sure, exaggerated in interpretation.) To counter this testimony, Bunker proposed to say publicly that "no American

directly or through any intermediary suggested or encouraged Mr. Chau to initiate or continue his contacts with Captain Hien." It may have been literally true that neither he nor his predecessor had "encouraged" the meetings of the two brothers. But this statement itself was highly misleading, for the Americans had known about the meetings and had not discouraged them, and they had considered a meeting of their own with Hien. Nor did the statement allow that the Americans had thought enough of Chau's analysis to listen to his pacification recommendations for three hours in August (Chau's version) or September (the Washington accounts) of 1967. Ambassador Bunker, Deputy Ambassador Eugene Locke, Lt. Gen. Frederick C. Weyand, commander of the III Corps area around Saigon, and others had been present at that session.

The Department of State therefore instructed Bunker not to issue the proposed statement. It thus was not given any official imprimatur, but the same phraseology did crop up in background talks between journalists and unattributable high officials.

Why this extraordinary Embassy freeze that was in such contrast to the praise Americans had lavished on Chau in the past -- and so contrary to the spirit of the instructions from Washington? Why did the US back off so totally on as unambiguous a political case as it is ever likely to have?

The reasons can be pieced together but not verified at this point, as Embassy spokesmen refuse to discuss the American role at all. The Embassy's sensitivity reached the point, in fact, where the CIA political analysis of the Chau case did not even circulate in the routine low-level channels within the Embassy itself.

In brief, it appears that Bunker's chief advisers on the case, the Embassy political counselor and the head of the CIA in Vietnam, thought that Chau was pro-Communist and a proponent of coalition with the Communists. Their consequent disinclination to help Chau was reinforced by the character and past experience of both Ambassador Bunker and his deputy, Samuel Berger. And this predilection was further reinforced by the general thrust of American political policy in Vietnam, which was firmly and narrowly geared to stability through supporting Thieu without challenge.

Not too much more needs to be said about the estimate of Chau reached by the Embassy political section than has already been said here. The political counselor was in the older-style State Department mold, with vast credulity in what the Thieu government said and vast suspicion of what government opponents or independents said. By nature as well as by conscious policy decision he was a don't-rock-the-boat man. What he understood was working with methodical inquiries within an established framework. Summaries of speeches, written "memcons" (memoranda of conversations), innumerable formal reports drawn up in the American rather than the Vietnamese image -- and full workdays at the desk -- were what counted, not some nebulous "feel" gained from sipping tea all afternoon with political friends. The younger officers found the political counselor unapproachable and despaired of ever being turned loose to penetrate the barrier of rote to the essential dynamics of Vietnamese politics. Not that they would necessarily have changed policy. But they would have liked to be able to ask more fundamental questions and to probe specific issues to their heart.

Thus the whole outlook of the political section naturally inclined to back Thieu against Chau, even in internal reporting -- and, in a practical sense, to discount any possible negative political fallout from the case.

For its part, the CIA in Vietnam has long been a peculiar blend of political sophistication and crudity. In the last years of Diem the CIA political evaluations had the reputation of being more realistic (and more pessimistic) than the equivalent Embassy evaluations. Even at the present time the CIA political reports are said by some Embassy people to be superior to the Embassy's. Instead of confining themselves to rather narrow and literal researches, the CIA specialists are free to write substantive analyses. (For the sake of accuracy, though, it should be added that the younger CIA specialists have been known to complain about their elders and their political frame of reference in much the same terms as the younger Foreign Service Officers.)

Despite the undoubted capacity of the CIA for sound political reporting, however, there are a number of built-in factors which tend to warp the agency's political judgment if they are unchecked.

There is a tendency to trust secret over open information indiscriminately, for example. There is a lack of institutional memory that plagues the CIA as much as every other American agency in Vietnam. The secretiveness of the whole operation tends to become a way of life and to freeze mistakes by reducing the challenges and abrasions of free exchange.

In evaluations there is often a preference for the opinions of Vietnamese who are absolutely reliable -- which is all too easily defined as diehard anti-Communist/Northern Catholic. In the more everyday gathering of intelligence there are many Vietnamese operatives with few scruples who have been professional dealers in information since the French and the Japanese days. For numbers of these the CIA (along with the Green Berets) is a profitable source of funds, and with ready weapons as enforcers, the CIA becomes a good base for petty extortion and rackets.

What all this means is that in such an ambiguous area as politics the system is highly vulnerable to information that may be deliberately fed into it for personal or political reasons. It is easier to doubt a suspect than to prove negatively that he is not pro-Communist.

Add to this the accumulated grudges of Chau's duel with CIA operatives when he was at the RD training center, and the stage is set for an unfavorable report on Chau.

Inexorably, the unfavorable report came, according to rather high US Mission and diplomatic sources in Saigon. And the CIA chief in Vietnam was not one to doubt the report. He is a brilliant technician, in the view of some who know his work, but his forte is hard-nosed intelligence rather than the intangibles of politics.

Nor were either Ambassador Bunker or Deputy Ambassador Berger the sort to challenge the Embassy and CIA reports. Berger had been ambassador in South Korea before coming to Saigon, and he tended to view Vietnam in the image of Korea. There the student demonstrations, the galloping inflation, and the government repression had all been worse -- much worse -- than in Vietnam. Yet the US had not panicked and abandoned the Seoul government, and everything had come out all right in the end.

As for the Ambassador, Bunker was the personification of all the virtues of the American aristocrat. He was highly respected by everyone who worked under him. Now in his mid-70's, he was serving his country selflessly in a grueling post -- and he was legendary for always looking fresh even in the wilting tropical heat. He was a gentleman. Above all, he was a reasonable man -- and one who expected others to be reasonable. In the past this had, in fact, been one quality of Thieu's that had recommended itself to Bunker. Thieu had none of the erratic, flamboyant streak of Ky, and was predictably cautious.

But Bunker's very considerable talents, again, were apolitical. He was first a very successful businessman, then a negotiator par excellence. He had an impressive record of having repeatedly softened head-on confrontations into possible compromise. His style was more low-key persuasion than conspicuous flexing of muscle. In Vietnam his denaturing of a clash between Washington and Saigon had been most apparent -- and most useful -- in the last half year of the Johnson Administration, when Washington was applying a blowtorch to get Saigon to the negotiating table before the US Presidential election. The most renowned (and symbolic) instance of Bunker's moderation was the Washington telephone call in the middle of the night (Saigon time) telling Bunker the complete bombing halt had been finally decided upon and instructing him to call Thieu immediately to tell him and get his assent to entering negotiations. Bunker replied that Thieu really couldn't do anything in the middle of the night anyway, and put off telephoning him until a more civilized hour. Bunker's most valuable contribution in this period was to serve as a buffer so that Saigon wouldn't panic over the new American direction.

for him
This experience, with Thieu's initial adamant refusal to go to Paris -- convinced Bunker, if he needed any convincing, that strong-arm tactics with the Vietnamese President were only counterproductive. As a corollary, one should not squander leverage on unimportant matters, but should nurture and save it for the really big issues.

Bunker was skeptical, too, of political speculation of the sort that a really strong American defense of Chau would have represented. His instincts have always favored military over political analysis on such key issues as bombing of the North.

Moreover, traces of the earlier American drive to victory lingered on and were to some extent bolstered by "the new optimism." Militarily, things were going well in the crucial delta. Politically, things were quiet. Why undermine your own success by creating unnecessary

difficulties? This may well have been the instinctive view even of President Nixon and Secretary of State William Rogers, who have been notably absent from the various leaked accounts and notably silent after the leaks concerning Chau.

Bunker certainly did recoil from doing anything that might push South Vietnam into another chaotic inter-regnum like that that followed the assassination of Diem. Thieu, despite drawbacks, was able and had been governing the country well in a number of respects. There was no alternative to Thieu in sight, and no foreseeable smooth transition even if one should appear (except perhaps, sometime in the future, for Prime Minister Khiem). Taking political risks for some abstract consideration of keeping trusts or for some vague principle of broadening political participation could be lethal, especially at a time when the US needed all the calm it could get to proceed with withdrawal. Any one individual is expendable, and Chau just wasn't important enough (or clean enough, in the Embassy view) to justify the risks. Those among the Americans who remained Chau's defenders were prone to personal enthusiasm that distorted their perspective.

In a word, stability was to be the desideratum.

Bunker had told numerous journalists that he did press Thieu hard on the Chau case, and probably in his lights he did. But one man's pressure is another man's encouragement. With the Embassy itself unenthusiastic about the cause and with no sanctions even under consideration, it must have been clear to Thieu that he could disregard Washington's preferences with impunity.

The general syndrome was described by one dissident Embassy official essentially like this: "Bunker goes to Thieu and asks for something, some action. Thieu says yes, and Bunker reports to Washington that Thieu has agreed. Then Thieu doesn't do anything and pleads the pressures of his military constituency or some such, and Bunker reports to Washington that Thieu tried, but couldn't do it. Bunker is so wedded to Thieu and has such good relations with him that he doesn't have any leverage. What Bunker should do is report first, 'I told Thieu, and he said yes, yes. But I don't think he's going to do it'. Then when Thieu doesn't do it, Bunker should report simply, 'Well, he didn't, just as I thought.'"

Another young official described the situation in the context of US failure in the past to assert or define its political leverage or even think in terms of "contingency leverage" planning.

The end came swiftly. The date was advanced from the planned March trial to February 23 so that there would be no time beforehand for the Supreme Court to rule on the House query about the constitutionality of the petition process in removing parliamentary immunity.

At the last minute the scheduled date was again changed -- to February 25 -- on the strength of an urgent behind-the-scenes attempt to moderate the collision. Some friends of the government feared disaster the way things were going and intervened to try to make the trial look less like "persecution," as one source close to the effort explained it. The idea was to invoke the concept of "flagrante delicto," or, roughly, "caught in the act." This would have the effect of bypassing the controversial petition of 102 and fights over attendant irregularities. In cases of flagrante delicto the legal initiative shifts. Bringing a Deputy to trial on ordinary charges requires the prior approval of an absolute three-fourths majority of the House, but cases of flagrante delicto may be tried unless the House requests that the trial cease. In this fashion the petition could be introduced as political rather than legal testimony, as proof of Thieu's good will in consulting the House and learning that the sense of the House was that Chau should be prosecuted.

The new plan was not accepted in its entirety, and its disgruntled proposers thought that the offensive harshness of the pursuit of Chau remained still. But the concept of flagrante delicto was at least introduced at that point and, in the course of the final trial, became the basis of the prosecution.

A 20-minute trial of Deputies Chau and Tu was held in absentia on February 25 in the Third Corps Mobile Military Field Court, which claims jurisdiction in all security cases. The indictment as finally presented against Chau did not include the charges of treason that had been foreshadowed in Thieu's original letter to the House, but charged him only with not informing on his brother.

The one unexpected quirk was that the trial started at the announced time, an unheard-of punctuality for a court which customarily starts a casual hour or so late. This was just enough time for the defense lawyers to be told on their normally late arrival that they were too late to speak. (It is a moot point whether an absent defendant has the right to lawyers' defense anyway, but this gambit neatly settled the issue.)

In accordance with the regulations for absent proceedings, the maximum sentences were meted out -- 20 years hard labor for Chau and death for Tu. Arrest orders were issued.

Chau had emerged from two months of hiding two days before the trial and had ensconced himself in an Assembly office. At various times in the past he had taken to sleeping in the Assembly because he feared assassination either by government or by Communist agents. Now, with the government rapidly closing in on him, he again sought refuge there, in effect daring the government to use force against him in the legally inviolate Chamber of Deputies itself.

The government accepted the dare. The House Secretariat met and waffled, saying it could not prevent the government (i.e., the executive) from applying the law, but neither did it have the authority to agree to a government arrest of Chau in the Lower House. On February 26 it was all over. Some 50 policemen swarmed into the Assembly, roughed up a few journalists for good measure, then roughed up Chau, who was impeccably dressed for the occasion in fresh shirt, jacket, and tie, with the medal for national service once awarded to him by Nguyen Van Thieu pinned on his chest and a copy of the Constitution in one hand. After subduing him, two policemen dragged and then four policemen carried Chau down the back steps and tossed him into a waiting jeep, which sped off.

"If the Communists had planned Thieu's moves, they couldn't have done a better job of undermining the regime," concluded one discouraged pro-government politician.

Received in New York on April 14, 1970.

Photographs by Elizabeth Pond

